

10, Acts of First Called Session of the Forty-third Legislature relative to the taxes levied on the pari-mutual wagering system; empowering the County Commissioners' Court to apply funds received under this Act to certain purposes; repealing all laws in conflict herewith; and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bill Referred.

H. B. No. 5 was read and referred to the Committee on State Affairs.

Senators Excused.

Senator Small was excused today and tomorrow on account of important business on motion of Senator Moore.

Senator Davis was excused today and tomorrow on account of important business on motion of Senator Stone.

Motion to Adjourn.

Senator Shivers at 12:15 o'clock p. m. moved that the Senate adjourn until 10:00 o'clock a. m. Wednesday.

The motion prevailed by viva voce vote.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,
October 30, 1935.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Small.
Regan.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.

Senate Bill No. 9.

By Senator Martin:

S. B. No. 9, A bill to be entitled "An Act to amend Article 1645 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, providing for the appointment of county auditors in certain counties of Texas and providing for their salaries and the method of payment of same; providing that if any part of this Act is held to be unconstitutional or invalid, the same shall not affect the remaining portion of this Act; repealing all laws in conflict herewith; and declaring an emergency."

Read and referred to the Committee on Counties and County Boundaries.

Senate Bill No. 10.

By Senator Burns:

S. B. No. 10, A bill to be entitled "An Act providing for the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in counties with a population of not less than thirty thousand (30,000), and not more than thirty thousand and twenty-nine (30,029), and in counties with a population of not less than eighteen thousand four hundred twenty-five (18,425) and not more than eighteen thousand five hundred twenty-eight (18,528), according to the last preceding Federal census, repealing all laws and parts of laws, general or special, in conflict herewith and declaring an emergency."

Read and referred to the Committee on Education.

S. C. R. No. 5.

Whereas, The State of Texas furnished about 200,000 men for the armed forces of the United States during the World War and about 14,000 during the Spanish-American War; and

Whereas, The State of Texas has not passed any beneficial legislation in behalf of the war veterans since 1918; and

Whereas, There are many thousands of Veterans of the World War and the Spanish-American War now residents of Texas; and many of these Veterans are now disabled and aged who are not drawing any compensation from the Federal Government by reason of the disability not being service-connected, and cannot secure employment because of such disability or age; and

Whereas, Veterans of the World War, through the American Legion, and Veterans of Foreign Wars, and Spanish-American War Veterans, in convention have passed resolutions calling attention to this condition;

Now Therefore Be It Resolved By the Legislature of the State of Texas, That such disabled and aged veterans be given preference in State employment when such veterans are qualified to perform the service that may be required;

And be it further resolved that the heads of the several departments of the State government are petitioned to give such veterans consideration for positions they are competent to fill;

And be it further resolved, That a copy of this resolution be sent the directing heads of all State departments.

BECK.

Read and referred to the Committee on State Affairs.

Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor, with the following messages:

Executive Office,
Austin, Texas, Oct. 30, 1935.
To the Members of the Forty-fourth Legislature, In Second Called Session:

I congratulate you upon the progress you are making and the evi-

dent diligence of a vast majority of the membership of both Houses in attending to the people's program.

Both Houses have passed an Old Age Pension Bill, and it is now in free conference. Of course, revenues to support same have not been provided, but various tax measures are pending in the House, and the Senate cannot act on same until a tax bill comes from the House. The salary bill has been before both Houses and will likely go to conference shortly.

Liquor Regulation.

In view of the progress made and the urgent necessity for prompt and effective action, I hereby submit to you the matter of carrying out the people's will by proper regulation of the liquor traffic.

Since long committee hearings were held during the First Called Session and these matters were thoroughly thrashed out, I trust there will be no undue delay in this legislation. Failure to act not only leaves the liquor traffic unregulated, but is costing the State conservatively at least \$10,000 a day in revenues which should be applied toward retiring the present State deficit and to provide funds for Old Age Assistance.

Local and Uncontested Bills.

During the First Called Session I submitted to you a number of local and uncontested bills of tremendous importance to various subdivisions of the government. These bills did not require a great deal of time and most of them were disposed of in night sessions. A number of additional matters have arisen, which I trust will be disposed of without contest and, if possible, at night sessions for the purpose. I therefore submit to you the following specific matters (and this submission is expressly limited to the matters enumerated).

1.

At the request of the Centennial Commission of Control, I submit the matter of authorizing the condemnation of sites for the construction of Centennial buildings, monuments and other Centennial celebration purposes.

2.

House Bill by Bourne to authorize the refunding of warrants and scrip for Red River County.

3.

House Bill by Rogers, of Ochiltree, validating and approving all actions and proceedings of the commissioners' court and the county judge in the matter of the creation and incorporation of wind erosion conservation districts.

4.

A bill to authorize the application of library fees, student activity fees, athletic fees, hospital or health fees, to the payment of bonded or mortgage indebtedness that may be contracted by the governing boards of several of the State educational institutions, provided the amount of each of such fees shall never exceed \$2.00 for any one semester and \$2.00 for any summer term, and that no athletic fees shall be charged or collected except from students using the athletic facilities of the institution.

This bill is submitted for the same purposes as other bills submitted to you dealing with local institutions so as to meet the obligations of various federal agencies where loans have been tentatively approved subject to these corrective measures.

5.

A local school bill by Dickison of Bexar, authorizing school trustees in counties of not less than 290,000 or more than 320,000 people to issue interest bearing warrants in payment of salaries of employees.

6.

A local bill for Jones County, by Lindsey, dealing with traveling expenses for members of the commissioners' court.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

Read.

Executive Office,

Austin, Texas, Oct. 30, 1935.

To the Senate of the Forty-fourth Legislature, In Second Called Session:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To Be Directors of the Sabine-Neches Conservation District:

W. T. Todd, of Todd City, Anderson County;

Hardy Eubanks, of McKinney, Collin County;

Marcus Wood, of Longview, Gregg County;

Mose Bromberg, of Crockett, Houston County;

W. Clyde Hull, of Pittsburg, Camp County;

Tom Molloy, of Timpson, Shelby County;

J. O. Wallace, of Rockwall, Rockwall County;

H. D. Garrett, of Emory, Rains County (succeeding John Alford, resigned);

Allen T. Travis, of Canton, Van Zandt County;

Carlton Adams, of Newton, Newton County.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House, with the following messages:

Hall of the House of Representatives, Austin, Texas, Oct. 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 53, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain extended municipal school districts pursuant to an election to be held for that purpose; defining the term 'extended municipal school district' and the term 'Governing Body' of the city or town; prescribing the method of procedure precedent to calling such an election; providing that such election shall be held, as nearly as possible in compliance with law with reference to regular city elections, and prescribing qualifications of voters at such elections; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Oct. 30, 1935.

Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following resolution:

H. C. R. No. 6, Granting Oscar
Flowers, of Van Zandt County per-
mission to sue the State of Texas
for property damages.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 11.

By Senators Moore, Holbrook,
Regan, Sulak, Westerfeld and Rawl-
ings:

S. B. No. 11, A bill to be entitled
"An Act defining the term 'open
saloon'; regulating the manufacture,
sale, importation, transportation and
possession of alcoholic liquors; pre-
scribing rules and regulations and
the right of local option; providing
for a system of permits; levying
taxes; prescribing penalties for vio-
lations; repealing conflicting laws
and parts of laws; reenacting and
amending Chapter 116, Acts of the
Regular Session of the Forty-third
Legislature; and declaring an emer-
gency."

Read and referred to the Com-
mittee on State Affairs.

Senate Bill No. 12.

By Senator Van Zandt:

S. B. No. 12, A bill to be entitled
"An Act defining the term 'open
saloon'; regulating the manufacture,
sale, importation, transportation and
possession of alcoholic liquors; pre-
scribing rules and regulations and
the right of local option; providing
for a system of permits; levying
taxes; prescribing penalties for vio-
lations; repealing conflicting laws
and parts of laws; reenacting and
amending Chapter 116, Acts of the
Regular Session of the Forty-third
Legislature; and declaring an emer-
gency."

Read and referred to the Com-
mittee on State Affairs.

Senate Bill No. 13.

By Senators Small, Nelson, Cotten,
Hill, Redditt, Woodruff, Oneal, Pace,

Isbell, Collie, Martin, DeBerry and
Beck:

S. B. No. 13 A bill to be entitled
"An Act defining the term 'open
saloon'; making it unlawful for any
person to operate a saloon; making
it unlawful for any person to possess
certain intoxicating liquor on prem-
ises where malt and vinous liquors
are sold; providing penalties for the
violation of this Act, and declaring
an emergency."

Read and referred to the Commit-
tee on State Affairs.

Senate Bill No. 14.

By Senator Small:

S. B. No. 14, A bill to be entitled
"An Act defining the term 'open
saloon'; creating a Board of Liquor
Control; prescribing rules and regu-
lations, and regulating the manu-
facture, sale, importation, trans-
portation and possession of alco-
holic liquors; providing for the right
of local option; providing for a
system of permits; levying taxes;
defining terms; prescribing punish-
ment; repealing conflicting laws and
parts of laws; making an appropria-
tion; providing a saving clause, and
declaring an emergency."

Read and referred to the Com-
mittee on State Affairs.

Senate Bill No. 15.

By Senators Poage and Hornsby:

S. B. No. 15, A bill to be entitled
"An Act defining certain terms; pro-
viding for licensing of operators and
chauffeurs; providing for certain
exemptions; prohibiting issuance of
licenses to certain persons; providing
for instruction permits; making pro-
vision for non-resident drivers; pro-
viding what persons shall be
licensed; providing for application
for operators and chauffeurs license;
providing for signing of application
of minors; providing for examina-
tion of applicants; providing for
designation of local officers; pro-
viding for registering of operators
and chauffeurs; providing for the is-
suanee of duplicate licenses and
badges; providing for the signing
and carrying of licenses; providing
for time of expiration of licenses;
providing for fees and disposition of
same; providing for the transfer of
all balances now in the State Treas-
ury which were collected under

Article 6687, Revised Civil Statutes, 1925, to the Operators and Chauffeurs License Fund; providing for forms for accident statistics and reports; providing for failure to make such reports a misdemeanor; providing for the suspension or revocation of licenses; making it unlawful for certain persons to act as chauffeurs or operators and to drive school buses; providing for courts to report record of convictions; providing for mandatory suspension or revocation of licenses and fixing the period of same; providing for hearing for persons denied the right to drive a motor vehicle; providing for surrender and return of license or badge; making it unlawful to commit certain acts with reference to securing and/or using licenses or to violate certain provisions; providing a penalty for violation of the Act; imposing a fine and jail sentence for driving while suspended; repealing all laws and parts of laws in conflict herewith, and particularly Article 6687, Revised Civil Statutes, 1925; providing a saving clause; providing for the effective date of this Act, and declaring an emergency."

Read and referred to the Committee on Highways and Motor Traffic.

Senate Bill No. 16.

By Senators Martin, Beck, Woodruff and Sanderford:

S. B. No. 16, A bill to be entitled "An Act providing for the creation of Texas Distilled Liquors Association, and providing for the regulation, control and management of the sale and disposition of intoxicating liquors in the State of Texas, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 17.

By Senator Hill:

S. B. No. 17, A bill to be entitled "An Act providing for the regulation and control of and traffic in alcoholic liquors, establishing a Board to administer said Act and defining the duties and powers thereof, and making an appropriation therefor; providing a system of State stores, etc., providing for licenses and permits; defining cer-

tain terms, offenses and prescribing the punishment therefor; repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Bills Referred.

H. B. No. 53 was read and referred to the Committee on Educational Affairs.

Senate Bill No. 18.

By Senators Woodruff, Sanderford, Stone, Martin, Blackert, Beck, Burns, Redditt, Van Zandt, Holbrook, Oneal, Hill, Collie, Regan, Nelson, Hornsby, Neal, Cotten, Shivers and Isbell:

S. B. No. 18 A bill to be entitled "An Act amending Chapter 5, Acts of the Second Called Session of the Forty-third Legislature, as amended by Chapter 23 of the Acts of the Regular Session of the Forty-fourth Legislature, and by Chapter 204, Acts of the Regular Session of the Forty-fourth Legislature, by making more specific the application of the Act to the building of libraries, gymnasias, athletic buildings and stadia; conferring definite power on the governing boards of the educational institutions named to fix fees and charges against students for the use of any and all buildings constructed under this law as amended, prescribing the minimum and maximum fees to be charged for certain classes of said buildings, designating such fees and charges, along with all other income derived therefrom, as revenues derived from the operation of such buildings; authorizing the pledging of the same to the payment of bonds and notes evidencing the obligations of such institutions to the Government of the United States, and its agencies; providing that fees and charges thus fixed shall not be collected after payment for such buildings shall have been completed; expressly validating acts heretofore taken by the governing boards of said institutions in reference thereto: noting that certain provisions thereof are declaratory of existing law and providing that this Act is cumulative of all other Acts not in conflict herewith; providing that this Act shall not modify or abridge any power now held by any such institution to control or pledge

its funds; providing that this Act shall take precedence over other laws in event of conflict; providing in event any part of this Act shall be held to be unconstitutional, it shall not affect any other part thereof, and declaring an emergency."

Read and referred to the Committee on Finance.

House Bill No. 57.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McKinney:

H. B. No. 57, A bill to be entitled "An Act fixing the compensation of district attorneys in judicial districts composed of two (2) or more counties, and in judicial districts composed of two (2) or more counties in one of which there is a city containing a population of not less than ninety thousand (90,000) inhabitants according to the last preceding Federal Census; providing such compensation shall include the Five Hundred Dollars (\$500) per year now allowed by the constitution; providing that this Act shall not deprive such district attorneys of their expense allowance; providing for the disposition of fees; commissions and perquisites earned and collected by such district attorneys; providing that nothing in this Act shall affect the laws now in existence with reference to assistant district attorneys, investigators and stenographers, and declaring an emergency."

Senator Hornsby sent up the following amendment:

Amend H. B. No. 57, by adding after Section 3 a new Section to be known as Section 4, which new Section shall read as follows:

Sec. 4. In all Judicial Districts in this State composed of only one county and in which county there are not less than 75,000 and not more than 100,000 inhabitants as shown by the last preceding Federal Census and in which county there are three or more District Courts with concurrent criminal jurisdiction and in which county there is a county attorney, the District Attorney of each such District shall receive from the State as pay for his

services the sum of Five Thousand (\$5,000.00) Dollars per year. Such salary shall be paid in twelve equal monthly installments upon warrant drawn by the Comptroller of Public Accounts upon the State Treasury.

HORNSBY.

Read.

Senator Poage sent up the following substitute for the amendment by Senator Hornsby:

Amend H. B. No. 57, Section 1, by striking out the following: "composed of two (2) or more counties," and by striking out the following: "Provided that in all judicial districts in this State composed of two (2) or more counties in one of which said counties there is a city containing a population of not less than ninety thousand (90,000) inhabitants, according to the last preceding Federal Census, the district attorney of each such district shall receive from the State as pay for his services the sum of Five Thousand Five Hundred Dollars (\$5,500.00) per year which said Five Thousand Five Hundred Dollars (\$5,500.00) shall include the Five Hundred Dollars (\$500.00) salary per year being allowed such district attorney by the Constitution of the State."

POAGE.

Read.

Point of Order.

Senator Hornsby raised the point of order that the substitute amendment offered by Senator Poage was out of order, as it was not a proper substitute, and is not germane, as it seeks to amend a different Section of the bill.

The Chair, Senator Redditt presiding, overruled the point of order.

Motion to Table.

Senator Hornsby moved to table the substitute amendment.

The motion to table prevailed by the following vote:

Yeas—14.

Beck.	Martin.
Burns.	Moore.
Cotten.	Neal.
Hill.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Sanderford.
Isbell.	Shivers.

Nays—12.

Blackert.	Pace.
Collie.	Poage.
DeBerry.	Sulak.
Holbrook.	Van Zandt.
Nelson.	Westerfeld.
Oneal.	Woodruff.

Absent.

Stone.

Absent—Excused.

Davis.	Regan.
Fellbaum.	Small.

The amendment by Senator Hornsby was lost by the following vote:

Yeas—11.

Beck.	Moore.
Cotten.	Neal.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Isbell.	Shivers.
Martin.	

Nays—15.

Blackert.	Pace.
Burns.	Poage.
Collie.	Sanderford.
DeBerry.	Sulak.
Hill.	Van Zandt.
Holbrook.	Westerfeld.
Nelson.	Woodruff.
Oneal.	

Absent.

Stone.

Absent—Excused.

Davis.	Regan.
Fellbaum.	Small.

Amend H. B. No. 57 by substituting a semi-colon for the period after the word "state" in line 53 in Section 1 thereof, and inserting the following:

"Provided further that in all Judicial Districts in this State composed of two or more counties, the aggregate population of which counties is not less than one hundred and fifty thousand (150,000) and not more than one hundred and sixty thousand (160,000) according to the last preceding Federal Census, the district attorney for such district shall receive from the State as pay for his services the sum of five

thousand dollars (\$5000) per annum which shall include the five hundred dollars (\$500) per annum now allowed such district attorney by the Constitution of this State.

NEAL.

Read and pending.

Substitute for Neal amendment:

Amend H. B. No. 57 by striking out in line 40 the following words "composed of two (2) or more counties," and by striking out in line 45 all words following the semi-colon after the word "State" and by striking out all of lines 46, 47, 48, 49, 50, 51 and 52, and all of line 53 to and including the word "State."

POAGE.

Read.

Point of Order.

Senator Shivers raised the point of order that the Poage substitute amendment was out of order as it was identical with the substitute which the Senate had just voted to table.

The Chair, Senator Redditt presiding, overruled the point of order.

Senate Resolution No. 10.

Senator Hill was recognized to send up a courtesy resolution.

Whereas, Hon. James Young of Rusk County, former member of Congress from the Third Congressional District, is in the Senate Gallery, therefore be it,

Resolved, That he be invited to address the Senate at this time and that he be given the privilege of the floor.

HILL,
PACE,
COTTEN.

Read and unanimously adopted.

The Chair, Senator Redditt presiding, appointed Senators Hill, Pace and Cotten to escort the distinguished visitor to the platform.

Senator Redditt presented Senator Hill who in turn presented the Hon. James Young, who addressed the Senate.

House Bill No. 57.

Recurring business was the substitute amendment by Senator Poage

to the amendment offered by Senator Neal.

Point of Order.

Senator Hopkins raised the point of order that the substitute by Senator Poage was out of order for the reason that the Neal amendment seeks to add a new Section, and the substitute seeks to amend Section 1 of the bill, therefore the substitute is not germane to the amendment, and does not cover the same subject matter.

Ruling pending.

Personal Privilege.

Senator Hill was recognized to speak on the point of personal privilege.

Motion to Recess.

Senator Oneal at 12 o'clock noon moved that the Senate recess until 2 o'clock p. m. today.

Motion pending.

Senator Moore yielded to Senator Pace.

H. C. R. No. 6.

Senator Pace called up H. C. R. No. 6.

The Chair laid before the Senate on its first reading the following resolution:

H. C. R. No. 6, Granting Oscar Flowers of Van Zandt County permission to sue the State of Texas for property damages.

Senator Pace moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed.

H. C. R. No. 6 was adopted by viva voce vote.

Senator Oneal yielded to Senator Rawlings.

S. C. R. No. 4.

Senator Rawlings moved to recall S. C. R. No. 4 from the Committee on State Affairs.

Objections were heard.

Senator Rawlings withdrew his motion.

Recess.

The motion to recess prevailed at 12:10 o'clock p. m. by viva voce vote.

After Recess.

The Senate met at 2 o'clock p. m. pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

Point of No Quorum.

Senator Holbrook raised the point of no quorum.

The roll call developed "no quorum."

Call of the Senate.

Senator Rawlings moved that a call of the Senate be ordered to secure and maintain a quorum until the passage to third reading of H. B. No. 57.

The motion was seconded.

The motion prevailed by viva voce vote.

The Chair requested the Secretary to furnish a list of the absent members to the Sergeant-at-Arms and that he be instructed to bring in the absent Senators.

Senate Called to Order.

At 2:07 o'clock p. m. the Secretary announced a quorum present.

The Chair, Lieutenant Governor Walter F. Woodul, called the Senate to order.

House Bill No. 57.

Pending business was H. B. No. 57 with pending point of order raised by Senator Hopkins against the substitute offered by Senator Poage for the amendment by Senator Neal.

Senator Hopkins was recognized on his point of order.

Senator Hopkins yielded to Senator Sanderford.

Senator Sanderford asked unanimous consent that the Conference Committee on S. B. No. 5, be allowed to work in the Committee Room during the afternoon session.

Unanimous consent was granted.

House Bill No. 57.

The Chair overruled the pending point of order raised by Senator Hopkins.

Motion to Table.

Senator Neal moved to table the substitute offered by Senator Poage.

The motion to table was lost by the following vote:

Yeas—10.

Beck.	Martin.
Burns.	Moore.
Cotten.	Neal.
Hopkins.	Rawlings.
Hornsby.	Redditt.

Nays—12.

Blackert.	Pace.
Collie.	Poage.
DeBerry.	Sulak.
Isbell.	Van Zandt.
Nelson.	Westerfeld.
Oneal.	Woodruff.

Absent—Excused.

Davis.	Sanderford.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Regan.	

The roll call was ordered on adoption of the Poage amendment.

The Chair recognized Senator Neal.

Point of Order.

Senator Poage raised the point of order that the roll call had been ordered, and that the Chair had yielded to Senator Neal to speak for a few minutes on the pending amendment, and not for debate.

The Chair sustained the point of order.

Senator Rawlings was recognized.

Point of Order.

Senator Rawlings raised the point of order that there is no rule precluding the members of the Senate from speaking, after a roll call has been ordered, and prior to the commencement of the roll call.

The Chair overruled the point of order.

The substitute was adopted by the following vote:

Yeas—12.

Blackert.	Pace.
Collie.	Poage.
DeBerry.	Sulak.
Isbell.	Van Zandt.
Nelson.	Westerfeld.
Oneal.	Woodruff.

Nays—11.

Beck.	Moore.
Burns.	Neal.
Cotten.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Shivers.
Martin.	

Absent—Excused.

Davis.	Regan.
Fellbaum.	Sanderford.
Hill.	Small.
Holbrook.	Stone.

Senator DeBerry called for enforcement of the rules.

The amendment as substituted, was adopted by the following vote:

Yeas—13.

Blackert.	Pace.
Burns.	Poage.
Collie.	Sulak.
DeBerry.	Van Zandt.
Holbrook.	Westerfeld.
Nelson.	Woodruff.
Oneal.	

Nays—12.

Beck.	Moore.
Cotten.	Neal.
Davis.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Sanderford.
Martin.	Shivers.

Absent—Excused.

Fellbaum.	Small.
Hill.	Stone.

(Pair Recorded.)

Senator Isbell (present) who would vote yea, with Senator Regan (absent) who would vote nay.

Amend H. B. No. 57 by adding thereto a new Section to be numbered 1a and to read as follows:

"All moneys heretofore appropriated by the Legislature to pay fees and salaries of the officers named in this Act are hereby re-appropriated for the purpose of paying the salaries fixed by this Act."

BURNS.

Read and adopted.

Amend H. B. No. 57 by adding after Section 3 a new Section to be known as Section 3A, which said new Section shall read as follows:

Sec. 3A. In all judicial districts composed of only one county and where there are three or more district courts with concurrent criminal jurisdiction and in which county there is a county attorney, the district attorney shall receive the same salary from the State of Texas and shall be paid in the same manner as district attorneys in judicial districts composed of two or more counties.

HORNSBY.

Read and adopted.

Senator Van Zandt asked unanimous consent that the caption be amended to conform to the body of the bill.

Unanimous consent was granted.

Amend H. B. No. 57 by changing "\$4000.00" to "\$5000.00," wherever it appears.

HOPKINS.

Read.

Senator Pace sent up the following amendment:

Amend Hopkins amendment by changing the words and figures therein to \$4500.00 where the words and figures of \$5000.00 occur.

PACE.

Read and failed of adoption by the following vote:

Yeas—6.

Burns.	Poage.
Oneal.	Westerfeld.
Pace.	Woodruff.

Nays—16.

Beck.	Martin.
Blackert.	Moore.
Collie.	Neal.
Cotten.	Nelson.
DeBerry.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Sulak.
Isbell.	Van Zandt.

Absent—Excused.

Davis.	Sanderford.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Regan.	

The amendment by Senator Hopkins was lost by the following vote:

Yeas—11.

Beck.	Hopkins.
Burns.	Hornsby.

Martin.
Moore.
Neal.
Rawlings.

Redditt.
Sanderford.
Shivers.

Nays—14.

Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Westerfeld.
Nelson.	Woodruff.

Absent—Excused.

Davis.	Regan.
Fellbaum.	Small.
Hill.	Stone.

Senator Moore sent up the following amendment:

Amend H. B. No. 57 by adding to Section 3A the following:

"Nothing in this Act shall affect criminal district attorneys whose district embraces only one county."

MOORE,
RAWLINGS.

Read and adopted.

Previous Question Ordered.

Senator Nelson moved that the Senate order the previous question on the passage to third reading of H. B. No. 57.

The motion was seconded.

The motion prevailed by viva voce vote.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time as amended and passed to third reading by viva voce vote.

On motion of Senator Burns the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 57 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Martin.
Blackert.	Moore.
Burns.	Neal.
Collie.	Nelson.
Cotten.	Oneal.
DeBerry.	Pace.
Holbrook.	Poage.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Isbell.	Shivers.

Sulak. Westerfeld.
Van Zandt. Woodruff.

Absent—Excused.

Davis. Sanderford.
Fellbaum. Small.
Hill. Stone.
Regan.

Read third time and finally passed
by the following vote:

Yeas—24.

Beck. Neal.
Blackert. Nelson.
Burns. Oneal.
Collie. Pace.
Cotten. Poage.
DeBerry. Rawlings.
Holbrook. Redditt.
Hopkins. Shivers.
Hornsby. Sulak.
Isbell. Van Zandt.
Martin. Westerfeld.
Moore. Woodruff.

Absent—Excused.

Davis. Sanderford.
Fellbaum. Small.
Hill. Stone.
Regan.

House Bill No. 54.

Senator Van Zandt moved to suspend the rule requiring bills to be printed and lie over one day, as to H. B. No. 54.

The motion prevailed by unanimous consent.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 54, A bill to be entitled "An Act to amend Article No. 2956, Revised Civil Statutes of Texas of 1925 as amended by the Regular Session of the Forty-fourth Legislature and declaring an emergency."

(With Committee Amendments Nos. 1 and 2.)

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The Committee Amendments Nos. 1 and 2 were adopted.

The bill was read second time as amended and passed to third reading.

On motion of Senator Van Zandt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 54 was put on its third reading and final passage by the following vote:

Yeas—23.

Beck. Neal.
Blackert. Nelson.
Burns. Oneal.
Collie. Pace.
Cotten. Poage.
DeBerry. Rawlings.
Holbrook. Redditt.
Hopkins. Sulak.
Hornsby. Van Zandt.
Isbell. Westerfeld.
Martin. Woodruff.
Moore.

Absent—Excused.

Davis. Sanderford.
Fellbaum. Shivers.
Hill. Small.
Regan. Stone.

Read third time and finally passed
by the following vote:

Yeas—24.

Beck. Moore.
Blackert. Neal.
Burns. Nelson.
Collie. Oneal.
Cotten. Pace.
DeBerry. Poage.
Hill. Rawlings.
Holbrook. Redditt.
Hopkins. Sulak.
Hornsby. Van Zandt.
Isbell. Westerfeld.
Martin. Woodruff.

Absent—Excused.

Davis. Shivers.
Fellbaum. Small.
Regan. Stone.
Sanderford.

Motion to Adjourn.

Senator Holbrook at 3:28 o'clock p. m. moved that the Senate adjourn until 10 o'clock a. m. Thursday.

House Bill No. 53.

Senator Sulak received unanimous consent to have amendments to H. B. No. 53 printed in the Journal.

Adjournment.

The motion to adjourn prevailed by viva voce vote.

APPENDIX.**Committee on Engrossed Bills.**

Committee Room,
Austin, Texas, Oct. 29, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 5 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Oct. 28, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 1 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Oct. 29, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Privilege, and Elections, to whom was referred

H. B. No. 54, A bill to be entitled "An Act to amend Article No. 2956 Revised Civil Statutes of Texas of 1925, as amended by the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass as amended by Committee Amendments Nos. 1 and 2, and be not printed.

VAN ZANDT, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 54 by striking out all of the second paragraph in Subdivision 4 and inserting in lieu thereof the following:

"The application, including fifteen (15c) cents to cover postage, shall be mailed to the county clerk of the elector's residence whose duty it

shall be forthwith to mail to such elector a blank official ballot and ballot envelope as provided in Subdivision 3, which ballot shall be marked by elector, or by witness at the election of said elector in case of the latter's inability to mark such ballot, because of physical disability, in the presence of a notary public or other persons qualified under the law to take acknowledgements, and in the presence of no other person except said witness and/or such officer, and in such manner that such officer can not know how the ballot is marked, and such ballot shall then in the presence of such officer be folded by the elector or by said witness in case of physical disability of said elector, deposited in said envelope, the envelope securely sealed, the endorsement filled out, signed and sworn to by the elector, or in case of physical disability, then the said witness for and in behalf of said elector, and certified by such officer and then mailed by said officer, postage prepaid, to the county clerk."

Committee Amendment No. 2.

Amend H. B. No. 54 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act to amend Article 2956, Revised Civil Statutes of Texas 1925, as amended by the Regular Session of the Forty-fourth Legislature, repealing all laws and parts of laws in conflict therewith and declaring an emergency."

Committee Room,
Austin, Texas, Oct. 30, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 10, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the county superintendent of public instruction for expenditures for office and traveling expenses in counties with a population of not less than thirty thousand (30,000), and not more than thirty thousand and twenty-nine (30,029) and in counties with a population of not less than eighteen thousand four hundred twenty five (18,425) and not more than eighteen

thousand five hundred twenty eight (18,528) according to the last preceding Federal Census, repealing all laws and parts of laws, general or special, in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, Oct. 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 53, A bill to be entitled "An Act authorizing the separation or divorce of public schools from municipal control in certain extended municipal school districts pursuant to an election to be held for that purpose; defining the term 'extended municipal school district' and the term 'governing body' of the city or town; prescribing the method of procedure precedent to calling such an election, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass, and that fifty copies of said bill be mimeographed.

COTTEN, Chairman.

Amendments to H. B. No. 53, Ordered Printed in the Journal.

Amend caption of H. B. No. 53 by striking out in line 11, the words: "the term 'Governing Body' of the city or town."

SULAK.

Amend H. B. No. 53, page 3, line 22, Section 2, by striking out the word "if," and inserting in lieu thereof, the word "of."

Amend H. B. No. 53 by striking out all of Section 6, and inserting in lieu thereof, the following:

Sec. 6. "The Board of trustees of such independent school district after separation from municipal control, shall consist of seven members. The members of the Board of Trustees

of such extended municipal school district shall continue as members of the board until the terms for which they have been elected or appointed, as the case may be, shall have expired, or until their successors have been elected and qualified; provided that in any district where the Board of Trustees was composed of fewer than seven members in such extended municipal school district, after divorce from municipal control the number necessary to cause the board to consist of seven members shall be appointed by the members already serving as trustees, such appointees to serve in accordance with the general law governing the election and tenure of office of independent school district trustees. Provided further that an election shall be held on the first Saturday in April of each year, at which election either two trustees or three trustees, as the case may be, shall be elected to serve for a term of three years. In the case of a vacancy on said board caused by any reason, said vacancy shall be filled for the unexpired term by appointment on the part of the remaining members of said Board of Trustees."

Amend H. B. No. 53, page 3, line 2, Section 2, by striking out the words "an and," and inserting in lieu thereof, the words "and/or."

Amend H. B. No. 53 in order to make the caption in lines 30, 31, and 32, conform to the body of the bill as found in lines 31, 32 and 33, Section 5, page 4.

Minutes of Committee Meeting.

Minutes of Committee on Education, Held Oct. 30, 1935.

Called Meeting.

Quorum present.

H. B. No. 53 was reported favorably with recommendation that it do pass and that fifty copies of said bill be mimeographed.

S. B. No. 10 reported favorably with recommendation that it do pass and be not printed.

EDITH GREEN, Secretary.